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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/824,849	04/02/2001	Simon Jacobs	500745.01	9964
27076	7590	06/02/2006	EXAMINER	
DORSEY & WHITNEY LLP INTELLECTUAL PROPERTY DEPARTMENT SUITE 3400 1420 FIFTH AVENUE SEATTLE, WA 98101			JEANTY, ROMAIN	
			ART UNIT	PAPER NUMBER
			3623	

DATE MAILED: 06/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/824,849	<b>Applicant(s)</b> JACOBS, SIMON	
	<b>Examiner</b> Romain Jeanty	<b>Art Unit</b> 3623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 13 February 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-18, and 55 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18, and 55 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### **Election/Restrictions**

1. Applicant's election without traverse of claims 1-18, and 55 filed February 13, 2006 is acknowledged.

### **Claim Objections**

2. Claims 7 and 17 are objected to because of the following informalities: A period is required at the end of the claim. Appropriate correction is required.

Claim 7 recited "the ordinary order". It not clear as to what ordinary order applicant is referring. Applicant is suggested to rewrite "ordinary order" as --ordinary orders

Claim 17 recites the limitations "the data structure". However, it not clear as to what data structure applicant is referring. To overcome the objections, applicant is suggested to amend the claim to replace " the data structure" with --a data structure--.

### **Claim Rejections - 35 USC § 101**

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 1-18 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 1-18 are directed to a non-functional and non-descriptive subject matter because claims 1-18 recite a **data structure**. However, upon examining the claims, it appears that there is no **pointing or indexing**, related to the data stored in the readable medium, that is usually associated with a **data structure** and that the claims simply refer to advertisement data stored on a computer readable medium or Hard drive in a conventional manner. A **data structure** could be replaced with a computer-implemented method for manipulating.

#### **Claim Rejections - 35 USC § 112**

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claim 17 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 17 recites the limitation "data structure". There is insufficient antecedent basis for this limitation in the claim.

#### **Claim Rejections - 35 USC § 101**

7. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

8. Claims 1-18 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

9. Claims 1-18 are rejected under 35 U.S.C. 101 because they are directed to a non-functional and non-descriptive subject matter because the claims recite a **data structure**.

However, upon examining the claims, it appears that there is no **pointing or indexing**, related to the data stored in the readable medium, that is usually associated with a **data structure** and that the claims simply refer to advertisement data stored on a computer readable medium or Hard drive in a conventional manner. A **data structure** could be replaced with a computer-implemented method for managing a complex work order.

#### **Claim Rejections - 35 USC § 102**

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

11. Claims 1, 4-6, 16, 55 are rejected under 35 USC 102(b) as being anticipated by Howie (U.S. Patent No. 5,093,794).

As per claims 1, and 4, Howie discloses a job scheduling system for scheduling work order. In so doing, Howie teaches a an identifier for a work order that indicates it is a complex work order (col. 8, lines 24-26), a set of N common fields that identify features of the complex work order, where  $N > 1$  (col. 18, lines 38-46), a set of M member sub-orders that are part of the complex work order, where M is  $> 1$ , and where the member sub-orders in the set include an identifier for the member sub-order, a set of P precedence criteria, where P is  $> 0$ , and where the

precedence criteria identifies a predecessor sub-order to be started or completed prior to starting the member sub-order (i.e., a work order having sub-tasks that must completed before an ordinary task is completed (col. 16, lines 20-34 and col. 8, lines 5-33)).

As per claim 2, further discloses where the set of M member sub-orders further includes a set of Q fields containing specific information for the member sub-orders, where Q is  $> 0$  (i.e., the subtasks containing specific information in the work order) (col. 16, lines 20-34).

As per claim 5, Howie discloses a database stored on computer readable medium including records containing the data structure of claim 1. Note col. 2, lines 58-61 of Howie.

As per claim 6, The data structure of claim 2 wherein at least one of the N common fields, the set of M member sub-orders, the set of P precedence criteria and the set of Q specific fields are modifiable (i.e., modifying the schedule for the work order) (col. 3, line 64 through col. 4 line 4).

Claim 16 recites a process for creating a complex work order, which recites similar limitations of a data structure stored on a computer readable media for managing a complex work order of claim 1; therefore, claim 16 is rejected under the same rationale relied upon of claim 1.

Claim 55 recites computer readable media containing instruction for implementing the process of claim 16; therefore, claim 55 is rejected under the same rationale relied upon of claim 16.

### **Claim Rejections - 35 USC § 103**

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claims 3, 8-15, 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Howie (U.S. Patent No. 5,093,494).

As per claim 3, Howie fails to explicitly disclose where the set of M member sub-orders/subtasks including an identifier of a type for the member sub-orders. However, most sub-orders or sub-tasks comprise of an identifier for identifying the sub-task. It would have been obvious to a person of ordinary skill in the art to modify the disclosures of Howie to include an identifier of a type for the member sub-orders in order to efficiently identify the subtasks that need be started immediately.

Regarding claims 8-15, 17-18, the claimed features are standard practice in the work management environment. Therefore including such features in the disclosures of Howie would have been obvious to one of ordinary skill in the art at the time of the invention in order to estimate the potential completion times of work and to subsequently schedule that work.

### **Allowable Subject Matter**

14. Claim 7 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, and the rejection under 35 U.S.C. 101, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

15. The following is a statement of reasons for the indication of allowable subject matter:

Prior art of record fails to teach wherein a member sub-order is selected from a database containing records of ordinary orders, where the record for the ordinary orders includes an identifier for the ordinary order and specific information for the ordinary order, where the identifier for the member sub-order is the same as the identifier for ordinary order and where the set of Q specific fields is the same as the specific information for the ordinary order.

### **Conclusion**

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.



a. Nakaoka (US Patent No. 6,092,048) teaches a task execution support system for supporting the execution of a task composed of a plurality of works executed by a plurality of workers.

b. Heindel et al (U.S. Patent No. 5,655,118) teaches a method for managing tasks and subtasks.

c. Daffin et al (U.S. Patent No. 5,893,906) discloses a system for managing work orders having a plurality of subsets.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Romain Jeanty whose telephone number is (571) 272-6732. The examiner can normally be reached on Mon-Thurs 7:30 a.m. to 6:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq R. Hafiz can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Romain Jeanty

Primary Examiner

Art Unit 3623

May 1, 2006